

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

DEPUY MITEK, INC.,

Plaintiff,

vs.

ARTHREX, INC.,

Defendant.

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) Civil Action No. 04-12457 PBS
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DEFENDANT'S ASSENTED-TO MOTION TO ADMIT
CHARLES W. SABER, SALVATORE P. TAMBURIO, AND STEPHEN A. SOFFEN
PRO HAC VICE

Defendant Arthrex, Inc. ("Arthrex"), through the undersigned counsel, moves this Court to admit Charles W. Saber, Salvatore P. Tamburo and Stephen A. Soffen to practice *pro hac vice* for purposes of the above-captioned matter pursuant to Local Rule 83.5.3(b). As grounds for this motion, Arthrex states:

1. The undersigned counsel are associated with the law firm of Todd & Weld LLP and are members in good standing of the Bar of the United States District Court for the District of Massachusetts.

2. Charles W. Saber is an attorney with the law firm of Dickstein Shapiro Morin and Oshinsky, LLP of Washington, DC and with counsel from Todd & Weld LLP represents Defendant in this action. Salvatore P. Tamburo is an attorney with the law firm of Dickstein Shapiro Morin and Oshinsky, LLP, of Washington, DC and with counsel from Todd & Weld LLP represents Defendant in this action. Stephen A. Soffen is an attorney with the law firm of Dickstein Shapiro Morin and Oshinsky, LLP, of Washington, DC and with counsel from Todd & Weld LLP represents Defendant in this action.

3. As shown by their affidavits attached hereto as Exhibits A, B, and C, (i) Attorneys Saber, Tamburo and Soffen are members in good standing in every jurisdiction where they have been admitted to practice, (ii) there are no disciplinary proceedings pending against any of them as members of the bar in any jurisdiction, and (iii) they are familiar with the Local Rules of the United States District Court for the District of Massachusetts.

4. The undersigned will serve as local counsel to Attorneys Saber, Tamburo and Soffen for Defendant Arthrex in this matter.

5. The Plaintiff has assented to this motion.

WHEREFORE, Defendant Arthrex respectfully requests an Order admitting Attorneys Saber, Tamburo and Soffen to practice in this action *pro hac vice*.

Respectfully submitted,

ARTHREX, INC.,
By it attorneys,



Christopher Weld, Jr. (BBO # 522230)
Raymond P. Ausrotas (BBO # 640315)
TODD & WELD LLP
28 State Street
Boston, MA 02109
Tel. No. (617) 720-2626

DATED: January 14, 2005

CERTIFICATE OF SERVICE

I, Raymond P. Ausrotas, hereby certify that on this 14th day of January, 2005, I caused a copy of Defendant's Assented-to-Motion to Admit Charles W. Saber, Salvatore P. Tamburo and Steven A. Soffen *Pro Hac Vice* to be served both by First Class Mail and by electronic means (in accordance with Court procedure) on counsel for Plaintiff.



Raymond P. Ausrotas

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

DePuy Mitek, Inc.

Plaintiff,

vs.

Arthrex, Inc.,

Defendant.

Civil Action No. 04-12457-PBS

AFFIDAVIT OF CHARLES W. SABER

I, Charles W. Saber, being duly sworn, depose and say as follows:

1. I am over the age of eighteen (18), and I am competent to be a witness and I have personal knowledge of the facts and matters stated herein.
2. I am a member of the Bar in good standing in every jurisdiction where I have been admitted to practice, including the United States District Court for the District of Columbia.
3. There are no disciplinary proceedings pending against me as a member of the Bar in any jurisdiction where I have been admitted to practice or in any other jurisdiction.
4. I have read and am familiar with the local rules of this Court.

SIGNED UNDER THE PENALTIES OF PERJURY ON THIS 12 DAY OF
JANUARY 2005.


Charles W. Saber

EXHIBIT B

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

DePuy Mitek, Inc.

Plaintiff,

vs.

Arthrex, Inc.,

Defendant.

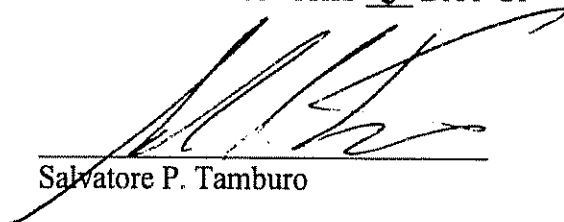
Civil Action No. 04-12457-PBS

AFFIDAVIT OF SALVATORE P. TAMBURO

I, Salvatore P. Tamburo, being duly sworn, depose and say as follows:

1. I am over the age of eighteen (18), and I am competent to be a witness and I have personal knowledge of the facts and matters stated herein.
2. I am a member of the Bar in good standing in every jurisdiction where I have been admitted to practice, including the United States District Court for the District of Columbia.
3. There are no disciplinary proceedings pending against me as a member of the Bar in any jurisdiction where I have been admitted to practice or in any other jurisdiction.
4. I have read and am familiar with the local rules of this Court.

SIGNED UNDER THE PENALTIES OF PERJURY ON THIS 6th DAY OF
JANUARY 2005.



Salvatore P. Tamburo

EXHIBIT C

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

DePuy Mitek, Inc.

Plaintiff,

vs.

Arthrex, Inc.,

Defendant.

Civil Action No. 04-2457-PBS

AFFIDAVIT OF STEPHEN A. SOFFEN

I, Stephen A. Soffen, being duly sworn, depose and say as follows:

1. I am over the age of eighteen (18), and I am competent to be a witness and I have personal knowledge of the facts and matters stated herein.
2. I am a member of the Bar in good standing in every jurisdiction where I have been admitted to practice, including the United States District Court for the District of Columbia.
3. There are no disciplinary proceedings pending against me as a member of the Bar in any jurisdiction where I have been admitted to practice or in any other jurisdiction.
4. I have read and am familiar with the local rules of this Court.

SIGNED UNDER THE PENALTIES OF PERJURY ON THIS 6th DAY OF
JANUARY 2005.



Stephen A. Soffen